

**ZONING BOARD OF ADJUSTMENTS
JULY 17, 2019
CITY HALL'S COUNCIL CHAMBERS**

<u>MEMBERS PRESENT</u>	<u>MEMBER ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUESTS PRESENT</u>
Terry Meewes	Sam Rodio	Jaime Acevedo	Noe Trevino
Eliud Reyna	Jose "Pepe" Garcia	Maribel Quintanilla	Gerardo Huerta
Guillermo Martinez		Joel Chapa	Nancy G Huerta
Romeo Gonzalez			

CALL TO ORDER

Vice-Chairman Terry Meewes called the meeting to order at 4:33 p.m.

CITIZENS PARTICIPATION

There was no citizen's participation.

APPROVAL OF MINUTES FOR JUNE 5, 2019

Vice-Chairman Meewes asked if there were any corrections to the minutes. There being none, Guillermo Martinez moved to approve the minutes as presented. Mr. Romeo Gonzalez seconded the motion. Upon a vote, the motion was unanimously approved.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO ALLOW EXISTING ENCROACHMENTS ONTO THE FRONT & SIDE SETBACKS AT 805 N. MAYBERRY ROAD, BEING LOTS 8, 9 & 10, BLOCK 140, MISSION ORIGINAL TOWNSITE SUBDIVISION, AS REQUESTED BY NOE TREVINO

The subject site is located at the NW corner of East 8th Street and Mayberry. The combined lots measures 150' x 150' or 22,500 sq. ft. This was once the site where Elizondo Mortuary was located for many years. The applicant has purchased the property and is in the process of opening a used car lot with open car ports or shaded canopies. The code currently does allow for car sales businesses to install 'open' carport canopies within 10' of their property lines. However, Mr. Trevino is requesting a reduced 0' front setback and a reduced 0' corner side setback for his open carport canopies which were built with no building permit. The required setbacks are 15' for front or along Mayberry, and 10' for corner side of along East 8th Street.

Staff calls your attention to the photo which shows the existing carport-type structures with 0' front and 0' corner side setbacks from the lot line. The applicant would like to retain the structures as built and reduce the setbacks as being proposed. Mr. Trevino claims he was not aware that a building permit was required for an open non-living structure. When Staff noticed the construction, we alerted the applicant of the violation that he did

promptly come in and apply for the variance. He also apologized for not knowing the rules and codes of the City.

RECOMMENDATION: Since this was self-inflicted, Staff recommends denial. If the ZBA is inclined to approve this request, Staff recommends that the applicant sign an agreement with the City in which he agrees that the open carport will remain open and not enclosed.

Vice-Chairman Meewes asked if there were any questions in favor or against the request.

There was none.

Vice-Chairman Meewes asked if there were any questions from the board.

Mr. Guillermo Martinez stated that before approving the variance he would like to bring it to code. Also, he wonders what neighbors think about the carports not meeting setbacks even if we go with Staff's recommendations, without knowing the neighbors' opinions it will be hard to approve the variance.

Vice-Chairman Meewes asked if the applicant was present.

Mr. Noe Trevino was present to answer any questions the board might have. He stated that when he came to the city he only asked about the fence not the carports. He will cooperate to comply with the City's Code.

Mr. Acevedo stated that he can move the front support poles back to the center beam and the side carport can remain as is and still meet code.

Mr. Guillermo Martinez said if he can make the adjustments and meet code he will be ok to approve the variance.

There being no further discussion, Vice-Chairman Meewes entertained a motion. Mr. Guillermo Martinez moved to approve the request. Mr. Eliud Reyna seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

CONSIDER A VARIANCE REQUEST TO HAVE A 7.5' SIDE SETBACK INSTEAD OF THE REQUIRED 10' SIDE SETBACK AT 3015 N. NICHOLSON AVENUE, BEING LOT 1, SANCHEZ HOMES, INC. SUBDIVISION AS REQUESTED BY GERARDO HUERTA

The subject site is located near the Stonegate Drive and Nicholson Avenue intersection along the west side of Nicholson. The applicant desires to retain a 7.5' side setback where a 10' side setback is required. The applicant built

this residential structure in the fall of 2005. At the time, a building permit was approved by the City showing a 7.5' side setback. This was an oversight by the City of Mission and not the applicant. However, since there was not a bank involved in the construction of this home at the time a survey was not required. Now, in 2019, the applicant is selling their residence and a survey requested by the mortgage company discovered that there was an encroachment to the plat specified 10' side setback. In reviewing the plat, it appears that there should be an electrical line within the 10' side utility easement. The applicant did request that all utilities be spotted within the side easement. It was discovered that although they are not in compliance of the 10' side setback, there are no utilities within the 10' easement area that they built over. Being that this was not self-inflicted and being that the applicant was allowed to build the residential structure 'as is', Staff does not object to the variance request.

RECOMMENDATION: Staff recommends approval

Vice-Chairman Meewes asked if there were any questions in favor or against the request.

There was none.

Vice-Chairman Meewes asked if the applicant was present.

Mr. Gerardo Huerta and wife Mrs. Nancy Huerta were present to answer any questions that the board might have. Mrs. Huerta stated that she contacted CPL and has the concept to encroachment and is already in process.

There being no further discussion, Vice-Chairman Meewes entertained a motion. Mr. Guillermo Martinez moved to approve the request. Mr. Romeo Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.3

CONSIDER A VARIANCE REQUEST TO HAVE A 3' REAR SETBACK FOR A SWIMMING POOL INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 1907 TRINITY STREET, BEING LOT 3, LOS JARDINES DE CIMARRON SUBDIVISION AS REQUESTED BY DR. KARLA TREVINO-RAMIREZ

The subject site is located 300' west of Glasscock Road along the north side of Trinity Street. The applicant desires to construct a swimming pool in her back yard and is requesting to have a 3' rear setback instead of the required 10' rear setback. There is a 10' recorded Utility Easement along the rear of the property line. The applicant called 811 Dig Test and utilities were spotted and the only utilities in the 10' Utility Easement at this time are

cable and telephone and they were in the first 18 inches of the rear setback. Electrical was not within the easement and water and sewer services are located along Trinity.

When dealing with a non-living structure, ZBA has recently approved similar requests at 1404 Sheri Lee Drive, 1906 Jim Schroeder, and just down the street at 1707 Trinity. All of which had which had a plat specified rear utility easement. This request is similar in that construction is for a swimming pool or non-living structure. Finally, it is noted that the applicant has gathered signatures of support from her surrounding neighbors on this variance request.

RECOMMENDATION: Staff recommends approval subject to: 1) a recorded document that the swimming pool will perpetually remain as an 'open and un-enclosed' structure, i.e., no walls, and that the City and recognized franchise holders be indemnified and held harmless to any private improvements on or over the 10' utility easement, and 2) if ever removed, the prevailing setbacks shall be complied with thereafter.

NOTE: The applicant is receptive to Staff's conditions with a recorded document, too.

Vice-Chairman Meewes asked if there were any questions in favor or against the request.

There was none.

Vice-Chairman Meewes asked if the applicant was present.

Mr. Acevedo stated that he stayed at home with his kids because he didn't had a sitter and had explained to the applicant that is was not mandatory to show up.

Vice-Chairman Meewes asked if there were any questions from the commissioners.

Mr. Martinez stated that he would like to see the signatures. Also made a comment that this is what they are always talking about people building without getting permits.

Mr. Acevedo clarify that he is the second and new owner. Structure was already built before.

There being no further discussion, Vice-Chairman Meewes entertained a motion. Mr. Eluid Reyna moved to approve the request. Mr. Guillermo Martinez seconded the motion. Upon a vote, the motion passed unanimously

ITEM #2.0
ADJOURNMENT

There being no further business, Vice-Chairman Meewes entertained a motion to adjourn. Mr. Guillermo Martinez moved to adjourn. Mr. Eliud Reyna seconded the motion. Upon a vote, the meeting was adjourned at 4:52 p.m.

Terry Meewes, Vice-Chairman
Zoning Board of Adjustments